

803 KAR 2:062. Employers' responsibility where employees are exposed to toxic substances.

RELATES TO: KRS Chapter 338

STATUTORY AUTHORITY: KRS Chapter 13A

NECESSITY, FUNCTION, AND CONFORMITY: KRS 338.051 authorizes the Kentucky Occupational Safety and Health Standards Board to adopt and promulgate occupational safety and health rules, administrative regulations, and standards. The purpose and function of the following administrative regulation is to provide that all employers monitor areas and maintain accurate records of such monitoring where their employees are exposed to potentially toxic substances and to make available to those employees the records of such monitoring.

Section 1. General Requirements. (1) Employers shall monitor areas where employees are exposed to potentially toxic substances or harmful physical agents which are required to be monitored or measured pursuant to those standards as adopted by the Kentucky Occupational Safety and Health Standards Board.

(2) Employers shall provide employees or their representatives an opportunity to observe such monitoring or measuring.

(3) Each employer shall promptly notify any employee or employees who have been or are being exposed to toxic materials or harmful physical agents in concentrations or at levels which exceed those prescribed by those applicable occupational safety and health standards adopted by the Kentucky Occupational Safety and Health Standards Board. Where pursuant to those applicable occupational safety and health standards adopted and promulgated by the Kentucky Occupational Safety and Health Standards Board it is required that exposure to certain toxic substances or agents be limited or prohibited, each employer shall notify his employees who are subject to such exposure, inform them of the corrective action required, if any, and notify them when such action has been taken.

(4) Each employer shall make and maintain records of all monitoring activity required by this administrative regulation and make appropriate provisions whereby each employee, former employee or a representative of either may have access to such records which will indicate the levels to which the particular employee or former employee has been exposed. Said person shall also be permitted to copy those records pertaining to his exposure levels or the exposure levels of the employee or former employee he is representing. (3 Ky.R. 276; eff. 10-6-1976.)